

**REMARKS**

**Pending Claims**

Claims 1-15 are currently pending. Claim 13 has been amended. No new matter is added.

**Objections to the Drawings**

The Examiner has objected to the drawings for several reasons as listed below. As Applicant has submitted replacement sheets containing corrected drawings to address these objections, Applicant respectfully submits that the objections have been traversed. Accordingly, Applicant respectfully request that the Examiner reconsider and withdraw the objections.

The Examiners objections to the drawings are as follows:

- In Figure 1, the Examiner objects to the lack of a label indicating that the figure is prior art; the replacement sheet includes the label "Prior Art";
- In Figures 2, 4, 6, 8, 9, 10, and 13 the Examiner objects to the use of the same label (numbers 1, 31, 51, 71, 81, 91, and 121, respectively) to indicate several elements in the figure; the respective replacement sheets include subscripts on each instance of the numbers to distinguish the labels; and
- In Figure 9, the Traffic Measurement Unit was inadvertently labeled "833", the same as the Memory Unit; on the replacement sheet for Figure 9 this has been corrected to "831", in agreement with the text of the specification.

**Rejections under 35 U.S.C. § 101**

The Examiner has rejected claim 13 under 35 U.S.C. § 101 as being directed to non-statutory subject matter. However, in light of the amendments to claim 13 submitted herewith, Applicant respectfully submits that the rejection is overcome and requests that the rejection be reconsidered and withdrawn.

**Rejections under 35 U.S.C. § 102**

The Examiner has rejected claims 14 and 15 under 35 U.S.C. § 102(b) as being anticipated by US Patent 6,411,814 (hereinafter “the ‘814 patent”). However, in light of the arguments presented herein, Applicant respectfully requests that the rejections be reconsidered and withdrawn. Specifically, the ‘814 patent does not disclose all of the elements of either of claims 14 or 15.

The ‘814 patent discloses a system for re-establishing calls that are unexpectedly ended due to “squenching,” where squenching involves “automatically inhibiting the operation of an amplifier of a receiver in absence of a signal input.” ‘814 patent, col. 1, lines 41-42. The system disclosed in the ‘814 patent has particular value in congested areas in which not all calls can be placed as soon as a request for a call is sent by a mobile unit to a base unit. To manage call volume in congested areas, the mobile unit produces a random number (e.g. from 0 to 100) and compares this to a call regulation value received from the base unit. If the random number is higher than the call regulation value, then the mobile unit transmits a request to the base unit to set up a call. In order to quickly re-establish a call that was terminated due to squenching, the ‘814 patent discloses a method and system whereby the random number generated by a mobile unit in which the last call made by the unit was terminated due to squenching is above a certain minimum level, in order to give a greater probability of re-establishing the terminated call. ‘814 patent, col. 1, lines 21-35; col. 2, lines 10-41.

As recited in claims 14 and 15, the present invention provides for methods and systems for regulating placement of calls to certain telephone numbers that are anticipated to have a high call volume. A mobile terminal of such a system includes first and second memories for storing a plurality of call regulation values and telephone numbers associated with the call regulation values, respectively. When the mobile terminal is about to place a call, the number that is being called is checked against the list in the second memory to see if the number is under regulation. If the number to be called is in the list in the second memory, then the call regulation value associated with the number to be called is compared to the output of a random number generator in the handset to see if it is possible to place a call to the number.

The '814 patent does not disclose such a system. For example, the '814 patent does not include memory for storing a plurality of call regulation values or for storing telephone numbers associated with the call regulation values. The '814 patent also fails to disclose comparing a telephone number on the point of calling with a telephone number stored in memory to determine whether it is possible to place a call to the number, based on the call regulation value associated with the telephone number and the output of the random number generator.

For at least these reasons, the '814 patent does not anticipate either of claims 14 and 15.

### **Rejections under 35 U.S.C. § 103**

The Examiner has rejected claims 1-13 under 35 U.S.C. § 103(a) as being obvious over of the '814 patent in view of US Patent 5,729,542 to Dupont (hereinafter "the '542 patent") and further in view of US Patent 6,594,240 to Chuah et al. (hereinafter "the '240 patent"). However, in light of the arguments presented herein, Applicant respectfully requests that the rejections be reconsidered and withdrawn.

In general, each of the cited references teaches a system for establishing a connection between a mobile unit and a base unit based on properties of the mobile unit, e.g. based on whether the mobile unit had a call unexpectedly end due to squelching (the '814 patent) or whether the particular mobile unit has been designated to have a higher priority (the '542 and '240 patents). However, as explained below, none of the references, whether alone or in combination, discloses, teaches, or suggests a method or system for determining call priority based on the destination telephone number.

The Examiner has rejected claim 1 as obvious over a combination of the '814 patent in view of the '542 patent. Claim 1 discloses a system for prioritizing calls that are placed to certain numbers. The mobile units include memory on which priority telephone numbers are stored. When a base unit is under regulation due to a high call volume, the base unit sends out call regulation values for priority M1 and regular M2 calls, where the priority calls have a lower call regulation value ( $M1 < M2$ ). When a mobile unit is ready to place a call, it determines whether the number to be called is a priority call by determining whether the number is stored in the memory of the mobile unit. If the telephone number to be called is stored in memory, then the random number

generator generates a number  $N$  and compares this to the priority call regulation value  $M1$  and requests placement of the call if  $N > M1$ . Thus, calls to certain telephone numbers can be given priority even when a particular base unit is under regulation due to call volume.

The '814 patent fails to disclose many of the elements of claim 1, including a memory unit that stores a transmission destination telephone number having priority. The '542 patent discloses a system for establishing connections between mobile units and a base unit which gives higher priority to certain users over others. However, the '542 patent does not disclose, teach, or suggest a system for assigning priority based on the telephone number to be called, including a memory unit that stores a transmission destination telephone number having priority. Both the '814 patent and the '542 patent teach systems for establishing a connection with a base unit based on properties of the mobile unit, e.g. based on whether the mobile unit had a call unexpectedly end due to squelching (the '814 patent) or whether the particular mobile unit has been designated to have a higher priority (the '542 patent). Neither patent discloses, teaches, or suggests a method or system for determining call priority based on the destination telephone number. Thus, the '542 patent fails to supply the deficiencies of the '814 patent and the combination of references fails to render claim 1 obvious.

For at least the reasons given above for claim 1, the combination of the '814 patent and the '542 patent fails to render obvious either of claims 7 or 13. Thus, claims 1, 7, and 13 are allowable. In addition, claims 2, 3, 8, and 9, which depend from claim 1 or claim 7, are allowable for at least the reasons given above.

The Examiner has rejected claim 4 as obvious over a combination of the '814 patent in view of the '240 patent. Claim 4 discloses a system for prioritizing calls that are placed to certain numbers. The system of claim 4 includes a traffic measurement unit that measures the number of calls to a particular telephone number over a given period of time and maintains a list of telephone numbers receiving the highest number of calls, eliminating priority telephone numbers from the list. The system then distributes information regarding the telephone numbers receiving the highest number of calls using exchanging centers, which communicate with one another and with base stations in order to disseminate this information through the system. These regulation

transmission destination telephone numbers are assigned the highest call regulation value, M3, such that a call placed to one of these numbers has the lowest probability of being connected, since  $M1 < M2 < M3$ , where, as previously noted, M1 is the call regulation value for a priority call and M2 is the call regulation value for a normal call.

The '240 patent discloses a system for prioritizing connections to base stations based on a priority level given to the device rather than a priority of the destination of a connection made by the device, e.g. a destination telephone number. As discussed above, the '814 patent teaches a system for establishing a connection with a base unit based on properties of the mobile unit. Therefore, the '240 patent fails to supply the deficiencies of the '814 patent and the combination of the '814 patent and the '240 patent fails to teach or suggest a number of elements of claim 4, including, for example, the recited mechanisms for measuring the numbers of calls placed to particular telephone numbers, assembling a list of the telephone numbers receiving the highest number of calls, disseminating the information regarding the telephone numbers receiving the highest number of calls to the base units by way of the exchanging centers, creating a call regulation value M3 for regulation transmission destination telephone numbers, and determining the priority of placement of a call based at least in part on whether the destination number is one of the identified regulation transmission destination telephone numbers. As the '240 patent fails to supply the deficiencies of the '814 patent, the combination of references does not render claim 4 obvious.

For at least the reasons given above for claim 4, the combination of the '814 patent and the '240 patent also fails to render obvious claim 10. Thus, claims 4 and 10 are allowable. In addition, claims 5, 6, 11, and 12, which depend from claim 4 or claim 10, are allowable for at least the reasons given above.

Application No.: 10/573,278  
Amendment dated: April 27, 2009  
Reply to Office Action dated: February 3, 2009

### **CONCLUSION**

In view of the remarks presented herein, reconsideration and withdrawal of the pending rejections and allowance of the claims is respectfully requested. The Examiner is strongly encouraged to contact the undersigned at the phone number below should any issues remain with respect to the application.

No other fees are believed due in connection with this submission. However, if additional fees are owed, please charge Deposit Account 50-1965.

Respectfully submitted,

Dated: April 27, 2009

/thomas j. keating/

By: \_\_\_\_\_  
Thomas J. Keating, Reg. No. 59,110  
Phone: 608-257-7472

**Docket: 200380-9057**  
Michael Best & Friedrich LLP  
Two Prudential Plaza  
180 North Stetson Avenue, Suite 2000  
Chicago, Illinois 60601